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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,162	03/13/2006	Daisuke Sogabe	KC-US030568	3665
22919 7590 06/04/2009 GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680				
EXAMINER				
AHMED, MASUD				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
06/04/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,162

Applicant(s)

SOGABE, DAISUKE

Examiner

MASUD AHMED

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant has amended claims 1-9; Claim 10 is newly added claim to be examined. Examiner has considered the amendment to the claims very carefully and responded to the applicant's argument below.

Claim Objections

Examiner has withdrawn all the claim objections that were previously made due to the proper clarification by the applicant.

Response to Arguments

1. Applicant's arguments filed on 3/2/2009 have been fully considered but they are not persuasive. Examiner respectfully disagrees with the applicant at least for the following reason:
2. In response to the applicant's argument on "Matsuzaki is silent with regards to returning to an interrupted point of the commentary", examiner respectfully disagrees, giving the claim it's broadest reasonable interpretation it is respectfully submitted that an interruption is considered to be the change of commentary during the game play, for instance during the soccer game while commentary is running and a particular player is carrying the ball, if that ball goes out of the playing area, the comment would shift from that particular player to something like ball out of bounds or out of field, however when the throw in occurs, commentary again resume for the playing the ball within the field,

so it's considered to be returning to the interruption point, therefore the argument made by the applicant is found to be unpersuasive.

3. Respectfully, an interruption point is need to be clearly defined to make the claimed invention distinct from the prior art of record. Applicant is encouraged to contact the examiner for clarification. Applicant is respectfully requested to review the entire prior art of record especially Matsuzaki and Mirasaki very closely to better recite the claim language.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki JP 10-211359.**

Regarding claims 1, 8 and 9-10, Matsuzaki teaches a video game play-by-play commentary system having the following limitations:

A video game program for causing a computer to implement a video game which displays a character on a monitor, and in which the operation of the character can be controlled, the video game program comprising:

a terminology storing function for storing running commentary terminology used while the video game is in progress (para 0005);

a first running commentary function for performing play-by-play or commentary relating to the video game using the running commentary terminology (para 0071);

a running commentary interrupting function for interrupting the first running commentary function when specific events have occurred while the video game is in progress (para 0029-0032);

a second running commentary function for performing play-by-play or commentary relating to the specific events when the running commentary interrupting function has been executed (para 0029-0032);

a running commentary returning function for causing a return from the second running commentary function to the first running commentary function (para 0064); and

a running commentary continuing function for causing the continuation of the play-by-play or commentary by the first running commentary function which was interrupted by the running commentary interrupting function, when the running commentary returning function has been executed (para 0033-0036).

Matsuzaki is silent on clearly disclosing the interruption function of the commentary, however Matsuzaki does explain the condition change during the game play which can be considered as a commentary interruption and therefore it would have been obvious to ordinary skilled artisan to include an interruption commentary if the game is being interrupted and then get back to the normal commentary of the game just as a live broadcast of a game.

Regarding claim 2, Matsuzaki teaches

a first terminology selecting function for selecting the running commentary terminology stored in the terminology storing function (para 0005);

a first selected terminology storing function for storing the running commentary terminology selected by the first terminology selecting function (para 0015);

a first audio output function for converting to sound and outputting the running commentary terminology stored in the first selected terminology storing function (0015);
and

a first transmission function for transmitting the running commentary terminology from the first selected terminology storing function to the first audio output function (para 0021).

Regarding claim 3, Matsuzaki teaches the running commentary continuing function

causes the continuation of the play-by-play or commentary of the first running commentary function, based on the running commentary terminology stored in the first selected terminology storing function of the first running commentary function (para 0037 and 0063).

Regarding claims 4-6, Matsuzaki teaches two or more words are chosen from the data base for the running commentary, Matsuzaki also discloses various conditions of the games and based on the condition words or phrases are chosen from the database

which corresponds to the particular player (para 0005 and 0015), it is respectfully stated that each condition of the game during the running commentary considered as an interruption.

Regarding claim 7, Matsuzaki as cited above teaches running commentary based on the condition of the game and various words or phrases are chosen based on the condition of the game (para 0015).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MASUD AHMED whose telephone number is (571)270-

1315. The examiner can normally be reached on Mon-Fri 10:00am-7:00pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571 272 4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A./
Examiner, Art Unit 3714

/Peter D. Vo/
Supervisory Patent Examiner, Art Unit 3714